

**Supplemental Combined Declaration and Power of Attorney for Patent Application**

Docket Number: 00166.0051.US03

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter that is claimed and for which a patent is sought on the invention entitled \_\_\_\_\_  
Microencapsulated 3-Piperidinyl-Substituted 1,2-Benzisoxazoles and 1,2-Benzisothiazoles, the specification of which is attached hereto unless the following box is checked:

- was filed on January 12, 1998; as United States Application Number or PCT International Application Number 09/005,549; and was amended on 01/12/98; 6/5/98 (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application, which designated at least one country other than the United States listed below, and have also identified below any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s) Priority Claimed

Yes  No

(Application No.) (Country) (Day/Month/Year Filed)

Yes  No

(Application No.) (Country) (Day/Month/Year Filed)

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

(Application No.) (Filing Date)

(Application No.) (Filing Date)

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or under § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56 that became available between the filing date of the prior application and the national or PCT international filing date of this application.

08/808,261  
(Application No.)

February 28, 1997  
(Filing Date)

Patented (5,770,231)  
(Status - patented, pending, abandoned)

08/154,403  
(Application No.)

November 19, 1993  
(Filing Date)

Pending  
(Status - patented, pending, abandoned)

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Jeffrey I. Auerbach, Reg. No. 32,680  
Melvin L. Barnes, Jr. Reg. No. 38,375  
Michael J. Bell, Reg. No. 39,604  
Mark R. Buscher, Reg. No. 35,006  
Celine T. Callahan, Reg. No. 34,301  
Cono A. Carrano, Reg. No. 39,623  
Joseph V. Colaianni, Reg. No. 39,948  
James F. Davis, Reg. No. 21,072  
Thomas M. Dunham, Reg. No. 39,965  
Joel M. Freed, Reg. No. 25,101  
Vernon Randall Gard, Reg. No. 33,886  
Alan M. Grimaldi, Reg. No. 26,599  
Alexander J. Hadjis, Reg. No. 36,540  
Albert P. Halluin, Reg. No. 25,227  
Michael N. Haynes, Reg. No. 40,014  
Rouget F. Henschel, Reg. No. 39,221

Leslie L. Jacobs, Jr., Reg. No. 40,659  
Richard H. Kjeldgaard, Reg. No. 30,186  
Joseph P. Lavelle, Reg. No. 31,036  
David R. Marsh, Reg. No. 41,408  
Kevin W. McCabe, Reg. No. 41,182  
Joseph A. Micallef, Reg. No. 39,772  
Anthony D. Miller, Reg. No. 34,394  
Karen L. Nicastro, Reg. No. 35,968  
Bradley J. Olson, Reg. No. 40,750  
Andrew Y. Piatnicia, Reg. No. 40,772  
Andrea G. Reister, Reg. No. 36,253  
Stephen J. Rosenman, Reg. No. 29,209  
Timothy L. Scott, Reg. No. 37,931  
Anthony W. Shaw, Reg. No. 30,104  
J. David Smith, Reg. No. 39,839  
Michael J. Songer, Reg. No. 39,841

Send Correspondence to:

**Andrea G. Reister  
HOWREY & SIMON  
Box No. 34  
1299 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004-2402  
Facsimile: (202) 383-7195**

Direct Telephone Calls to: (202) 783-0800

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 101 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Jean Mesens,

Inventor's signature

Date

Residence Moereind 17, B-2275 – Wechelderzande, Belgium

Citizenship Belgium

Post Office Address Moereind 17, B-2275 – Wechelderzande, Belgium

Full name of second inventor Michael E. Rickey

Second inventor's signature

1-27-99 Date

Residence 2938 Maureen Court, Loveland, Ohio 45140

Citizenship USA

Post Office Address 2938 Maureen Court, Loveland, Ohio 45140

Full name of third inventor Thomas J. Atkins

Third inventor's signature

Date 1/19/99

Residence 1990 High Rock Lane, York, PA 17402

Citizenship USA

Post Office Address 1990 High Rock Lane, York, PA 17402

(Supply similar information and signature for subsequent joint inventors, if any)

**Supplemental Combined Declaration and Power of Attorney for Patent Application**

Docket Number: 00166.0051.US03

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**Prior Foreign Application(s)**

Priority Claimed

Yes     No

(Application No.) \_\_\_\_\_ (Country) \_\_\_\_\_

(Day/Month/Year Filed)

Yes     No

(Application No.) \_\_\_\_\_ (Country) \_\_\_\_\_

(Day/Month/Year Filed)

Yes  No

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I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below.

(Application No.) \_\_\_\_\_ (Filing Date) \_\_\_\_\_

(Application No.) \_\_\_\_\_ (Filing Date) \_\_\_\_\_

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or under § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information that is material to patentability as defined in 37 C.F.R. § 1.56 that became available between the filing date of the prior application and the national or PCT international filing date of this application.

08/808.261 February 28, 1997 Patented (5,770,231)  
(Application No.) (Filing Date) (Status - patented, pending, abandoned)

08/154,403 November 19, 1993 Pending  
(Application No.) (Filing Date) (Status - patented, pending, abandoned)

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J. David Smith, Reg. No. 39,839  
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Full name of sole or first inventor Jean Mesens

Inventor's signature

13 JAN 1999

Residence Moereind 17, B-2275 – Wechelderzande, Belgium

Citizenship Belgium

Post Office Address Moereind 17, B-2275 – Wechelderzande, Belgium

Full name of second inventor Michael E. Rickey

Second inventor's signature

Date

Residence 2938 Maureen Court, Loveland, Ohio 45140

Citizenship USA

Post Office Address 2938 Maureen Court, Loveland, Ohio 45140

Full name of third inventor Thomas J. Atkins

Third inventor's signature

Date

Residence 1990 High Rock Lane, York, PA 17402

Citizenship USA

Post Office Address 1990 High Rock Lane, York, PA 17402

(Supply similar information and signature for subsequent joint inventors, if any)

DATE: 05/11/94  
TO:



**UNITED STATES DEPARTMENT OF COMMERCE**  
**Patent and Trademark Office**  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

0661.0510000

STERNE, KESSLER, GOLDSTEIN & FOX  
JAMES L. LEWIS  
1100 NEW YORK AVENUE, N.W., STE. 600  
WASHINGTON, D.C. 20005-3934

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT BRANCH OF  
THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS  
AVAILABLE AT THE U.S. PATENT AND TRADEMARK OFFICE ON THE REEL AND FRAME  
NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT ASSIGNMENT PROCESSING SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT BRANCH, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231

ASSIGNOR:  
MESSENS, JEAN

DOC DATE: 02/28/94

RECORDATION DATE: 03/15/94 NUMBER OF PAGES 002 REEL/FRAME 6948/0281

DIGEST : ASSIGNMENT OF ASSIGNEE'S INTEREST

ASSIGNEE:  
JANSSEN PHARMACEUTICA  
BEERSE. BELGIUM

SERIAL NUMBER 8-154403 FILING DATE 11/19/93  
PATENT NUMBER ISSUE DATE 00/00/00

*JERI MC DONALD*  
EXAMINER/PARALEGAL  
ASSIGNMENT BRANCH  
ASSIGNMENT/CERTIFICATION SERVICES DIVISION

FORM PTO-1595  
1-31-92  
TRADEMARKS

RECORDATION FORM COVER SHEET  
PATENTS ONLY

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

(1) Name of conveying party(ies):

1. Jean MESENS

(2) Name and address of receiving party(ies):

Name: Janssen Pharmaceutica

Internal Address: \_\_\_\_\_

Street Address: \_\_\_\_\_

City Beerse State Belgium Zip 2000

Additional name(s) & address(s) attached?  Yes  No

(3) Nature of Conveyance:

19

Assignment

Merger

Security Agreement

Change of Name

Other \_\_\_\_\_

Execution Date: 1 February 28, 1994

(4) Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

A. Patent Application No.(s)

Serial No. 08/154,403; filed November 19, 1993

B. Patent No.(s)

Additional numbers attached?  Yes  No

(5) Name and address of party to whom correspondence concerning document should be mailed:

Name: James L. Lewis

Internal Address: STERNE, KESSLER, GOLDSTEIN & FOX

Street Address: 1100 New York Avenue, N.W.  
Suite 600

City: Washington, D.C. State: Zip: 20005-3934

(6) Total number of applications and patents involved: 1

(7) Total fee (37 CFR § 3.41): ..... \$40.00

Enclosed

Authorized to be charged to deposit account

(8) Deposit account number:

19-0036

(attach duplicate copy of this page if paying by deposit account)

130 SC 03/21/94 08154403

1581 40.00 CK

DO NOT USE THIS SPACE

(9) Statement and Signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*

James L. Lewis, Reg. No. 24,732

Name of Person Signing

EEC 5/3/93

*James L. Lewis*  
Signature

3/10/94  
Date

Total number of pages (including cover sheet, attachments and document): 2

# ASSIGNMENT

In consideration of the sum of One Dollar (\$1.00) or equivalent and other good and valuable consideration paid to each of the undersigned: Jean MESENS, the undersigned hereby sell(s) and assign(s) to Janssen Pharmaceutica, Beerse, Belgium (the Assignee) her entire right, title and interest

*check applicable box(es)*

- for the United States of America (as defined in 35 U.S.C. § 100),  
 and throughout the world,

in the invention(s) known as MICROENCAPSULATED 3-PIPERIDINYL-SUBSTITUTED 1,2-BENZISOXAZOLES AND 1,2-BENZISOTHIAZOLES for which application(s) for patent in the United States of America has (have) been executed by the undersigned on X February 22, 1994 (also known as United States Application Serial No. 08/154,403, filed November 19, 1993), in any and all applications thereon, in any and all Letters Patent(s) therefor, and in any and all reissues, extensions, renewals, reexaminations, divisions and continuations of such applications or Letters Patent(s) to the full end of the term or terms for which such Letters Patent(s) issue, such entire right, title and interest to be held and enjoyed by the above-named Assignee the same as they would have been held and enjoyed by the undersigned had this assignment and sale not been made.

The undersigned agree(s) to execute all papers necessary in connection with the application(s) and any continuing, divisional, reissue, reexamination or corresponding application(s) thereof and also to execute separate assignments in connection with such applications as the Assignee may deem necessary or expedient.

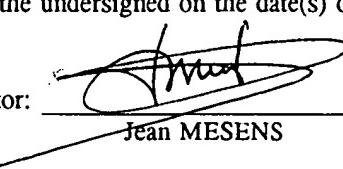
The undersigned agree(s) to execute all papers necessary in connection with any interference which may be declared concerning the application(s) or any continuation, division, reissue or reexamination thereof and to cooperate with the Assignee in every way possible in obtaining evidence and going forward with such interference.

The undersigned hereby covenant(s) that he has (they have) full right to convey the entire interest herein assigned, and that he has (they have) not executed, and will not execute, any agreement in conflict therewith.

The undersigned hereby grant(s) Robert Greene Sterne, Esquire, Registration No. 28,912; Edward J. Kessler, Esquire, Registration No. 25,688; Jorge A. Goldstein, Esquire, Registration No. 29,021; Samuel L. Fox, Esquire, Registration No. 30,353; David K. S. Cornwell, Esquire, Registration No. 31,944; Robert W. Esmond, Registration No. 32,893; Tracy-Gene G. Durkin, Esquire, Registration No. 32,831 and Michele A. Cimbala, Esquire, Registration No. 33,851 of STERNE, KESSLER, GOLDSTEIN & FOX, 1100 New York Avenue, N.W., Suite 600, Washington, D.C. 20005-3934, power to insert on this assignment any further identification which may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

IN WITNESS WHEREOF, executed by the undersigned on the date(s) opposite the undersigned name(s).

Date: 18 february 1994 Signature of Inventor:



Jean MESENS

MAR 15 94  
 PATENT AND TRADEMARK  
 OFFICE

FILED 9 4 8  
FEB 28 1994



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

JULY 28, 1996

PTAS

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.  
DAVID E. BROOK, ESQ.  
TWO MILITIA DRIVE  
LEXINGTON, MA 02173



\*100191026A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231.

RECORDATION DATE: 05/06/1996

REEL/FRAME: 7925/0165  
NUMBER OF PAGES: 4

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

MEDISORB TECHNOLOGIES  
INTERNATIONAL, L.P.

DOC DATE: 04/02/1996

ASSIGNEE:

ALKERMES CONTROLLED THERAPEUTICS, INC. II  
64 SIDNEY STREET  
CAMBRIDGE, MASSACHUSETTS 02139

SERIAL NUMBER: 08154403  
PATENT NUMBER:

FILING DATE: 11/19/1993  
ISSUE DATE:

SERIAL NUMBER: 08403432  
PATENT NUMBER:

FILING DATE: 03/14/1995  
ISSUE DATE:

JACQUELINE MOORE, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

AUG - 5 1996

05-09-1996

U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

f. No. 947.111

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0851-0011 (Exp. 4/94)



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To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies): **MRD5-6-96**

Medisorb Technologies International, L.P.'s interest in the patent applications listed on Schedule A, attached.

Additional name(s) of conveying party(ies) attached?  Yes  No

## 3. Nature of conveyance:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Assignment | <input type="checkbox"/> Merger         |
| <input type="checkbox"/> Security Agreement    | <input type="checkbox"/> Change of Name |
| <input type="checkbox"/> Other _____           |   |

Execution Date: April 2, 1996

## 4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is: \_\_\_\_\_

## A. Patent Application No.(s)

Listed on Schedule A, attached.

## B. Patent No.(s)

Additional numbers attached?  Yes  No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: David E. Brook, Esq.Internal Address: Hamilton, Brook, Smith & Reynolds, P.C.Street Address: Two Militia DriveCity: Lexington State: MA ZIP: 021736. Total number of applications and patents involved: 27. Total fee (37 CFR 3.41).....\$ 80.00 Enclosed Authorized to be charged to deposit account8. Deposit account number: 08-0380

(Attach duplicate copy of this page if paying by deposit account)

DO NOT USE THIS SPACE

060 JS 05/08/96 08154403

1 581 80.00 CK

## 9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Richard W. Wagner

Name of Person Signing

Signature

May 2, 1996

Date

Total number of pages including cover sheet, attachments, and document: 4Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patents & Trademarks, Box Assignments

Washington, D.C. 20231

ASSIGNMENT OF UNITED STATES PATENTS AND PATENT APPLICATIONS

Whereas, Medisorb Technologies International, L.P., a Delaware Limited Partnership, having a place of business in Cincinnati, OH 45242 (hereinafter "Assignor") and Janssen Pharmaceutica, having a place of business in Beerse, Belgium are the joint owners of the entire right, title and interest in and to the United States Patent Applications described in Schedule A attached hereto and made a part hereof (hereinafter "Patents"); and

Whereas, Alkermes Controlled Therapeutics Inc. II, a Pennsylvania corporation, having a place of business in Cambridge, MA 02139 (hereinafter "Assignee") is desirous of acquiring the entire right, title and interest of Assignor.

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, the Assignor has sold, assigned and transferred, and by these presents do hereby sell, assign and transfer Assignor's entire right, title and interest in and to the Patents and all reissues and extensions thereof, including all claims, if any, which may have arisen for infringement of the patents prior to the date of this assignment, all said rights to be held and enjoyed by the Assignee for its own use and for the use of its successors, assigns or other legal representatives, to the full end of the term for which the Patents have been or will be granted, extended or reissued, as fully and entirely as the same would have been held and enjoyed by the Assignor if this assignment and sale had not been made.

Assignor further agrees that Assignor will, without demanding any further consideration therefor, at the request but at the expense of Assignee, do all lawful and just acts, including the execution and acknowledgment of instruments, that may be or become necessary for obtaining, sustaining, or reissuing the Patents, and for maintaining and perfecting Assignee's right to the Patents.

IN WITNESS WHEREOF, said Medisorb Technologies International, L.P. has caused these presents to be signed by its duly authorized General Partner below named effective as of the dates written below.

Medisorb Technologies International, L.P.

By David R. Lohr  
David R. Lohr, President of  
Medisorb Technologies International, Inc.,  
a Delaware Corporation, General Partner

State/Commonwealth of Ohio

County of Hamilton

Then personally appeared before me the above-named  
David R. Lohr and acknowledged that he is an  
officer of said corporation, the General Partner of Medisorb  
Technologies International, L.P., that he executed the foregoing  
instrument on behalf of such Limited Partnership with authority  
to do so, and that signing of the instrument is the free act and  
deed of the Limited Partnership.

Dated this 2<sup>nd</sup> day of April, 1996

Notary Public

(SEAL)

(print name)

My Commission expires \_\_\_\_ / \_\_\_\_ / \_\_\_\_

J. DANIEL SHERMAN, Attorney at Law

**Notary Public, State of Ohio**

**My Commission Has No Expiration Date**

Section 147.03

SCHEDULE A

UNITED STATES PATENTS

FILE NUMBER

PATENT NO.

ISSUE DATE

TITLE

UNITED STATES PATENT APPLICATIONS

FILE NUMBER

SERIAL NO.

FILING DATE

TITLE

661 0510000

08/154,403

11/19/93

Microencapsulated 3-  
Piperidinyl-Substituted 1,2-  
Benzisoxazoles and 1,2-  
Benzisothiazoles

661 0510001

08/403,432

03/14/95

Microencapsulated 3-  
Piperidinyl-Substituted 1,2-  
Benzisoxazoles and 1,2-  
Benzisothiazoles